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| 10/727,833 | 12/04/2003 | Roger Lok | 87028SMR | 7419 |

7590 03/07/2006

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| EXAMINER |
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LE, HOA VAN

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| ART UNIT | PAPER NUMBER |
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1752

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding. .

Office Action Summary

Application No.

10/727,833

Applicant(s)

LOK ET AL.

Examiner

Hoa V. Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 11-12 and 15-20 with respect to the applied species is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

This is in response to Paper filed on 15 February 2006.

I. The record shows that applicants have to amend claim 1 on 15 February 2006 to overcome the applied references Renner et al (DE 37 30 557). In view of the Amendment, the rejections made in the Office action mailed on 13 October 2005 with Renner et al being applied as the primary references are withdrawn. In the future, any Office action is properly made final.

II. Applicants show under Rude 132 and arguments that complex inorganic-SCN does not release inorganic-S.

III. The record shows that applicants elect compound 1 on page 10 of the specification on 03 March 2005 being acknowledged. The elected species of compound 1 has been considered and searched. The consideration and search are extended to the applied species. Others have not been considered, searched or examined until all of the applied species are overcome.

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IV. Claims 1-2, 4-5 and 11-12 with respect to the applied species are rejected under 35 U.S.C. 102(b) as being anticipated by Pollet al (4,727,017).

Pollet et al disclose and teach a silver halide photographic material comprising a support having thereon an silver chloride emulsion layer a small amount of allyl thiocyanate being read within the general formula I as claimed. Please see the whole disclosure of the applied reference, especially col.7:56, 8:3-6 and 64 and 9:2-4. The language “emulsion layer being...thiocyanato compound...PUG-S” or the like is and has been considered as functional property of the materials. It has reasonable to believed that the functional property is inherent for the same compounds as broadly disclosed and claimed in the general formula I. The law requires that applicants must show or provide a convincing evidence to the contrary in accordance to the authority stated in In re Schreiber, 44 USPQ2d 1429. Since Pollet et al reasonably disclose and teach the embodiments in the claims, the above claims are found to be anticipated by Pollet et al.

V. In an alternative to the anticipation in paragraph “IV” above, claims 1-2, 4-5, 11-12, 15-16 and 20 with respect to the applied species are rejected under 35 U.S.C. 103(a) as being obvious by Pollet et al.

Pollet et al disclose, teach and suggest a silver halide photographic material comprising a support having thereon an silver chloride emulsion layer a small amount of allyl thiocyanate being read within the general formula I as claimed. Please see the whole disclosure of the applied reference, especially col.7:56, 8:3-6 and 64 and 9:2-4. The language "emulsion layer being...thiocyanato compound...PUG-S" or the like is and has been considered as functional property of the materials. It has reasonable to believed that the functional property is inherent for the same compounds as broadly disclosed and claimed in the general formula I. The law requires that applicants must show or provide a convincing evidence to the contrary in accordance to the authority stated in *In re Schreiber*, 44 USPQ2d 1429. For the teachings and suggestions not being in any example, it is alternatively and reasonably found to be rendered *prima facie* obvious by Pollet et al.

In further remote teachings and suggestions, Pollet et al disclose, teach and suggest the use of a small and sufficient amount of allyl thiocyanate as a chemical sensitizing agent but do not specify the amount as those in claims 15 and 16. However, it is conventional and routinely done in the art to do some works to obtain a workable or optimum amount or result of known chemical ingredient and its functional property.

In further remote teachings and suggestions, Pollet et al disclose, teach and suggest that best result could be a small amount of allyl thiocyanate chemically sensitizing agent being close to and depositing on silver halide grains for fast development to one having ordinary skill in the art. The claimed language with respect to “is in a solid particle form dispersion” in claim 20 has been considered as an alternative of choice of a physical form and property in the art. There is no evidence of an unusual or unexpected result for a patentability of the alternative of choice of the physical form and property. It would like to see a result that (1) patentees’ a small amount of allyl thiocyanate chemically sensitizing agent being close to and depositing on silver halide grain would cause an adverse or deleterious result and (2) small amount of the compound in a solid particle dispersion would sufficient provide an unusual or unexpected result over the applied reference for a patentability of the claims.

Since Pollet et al reasonably disclose, teach and suggest the embodiments in the claims but not in a working example, the claims are reasonably found to be rendered prima facie obvious by Pollet et al.

VI. Claims 1-2, 4-5, 11-12, 15-20 with respect to the applied species are rejected under 35 U.S.C. 103(a) as being obvious by Pollet et al considered in view Lok (5,914,226).

Pollet et al disclose, teach and suggest a silver halide photographic material comprising a support having thereon an silver chloride emulsion layer a small amount of allyl thiocyanate being read within the general formula I as claimed. Please see the whole disclosure of the applied reference, especially col.7:56, 8:3-6 and 64 and 9:2-4. The language “emulsion layer being...thiocyanato compound...PUG-S” or the like is and has been considered as functional property of the materials. It has reasonable to believed that the functional property is inherent for the same compounds as broadly disclosed and claimed in the general formula I. The law requires that applicants must show or provide a convincing evidence to the contrary in accordance to the authority stated in In re Schreiber, 44 USPQ2d 1429.

Pollet et al disclose, teach and suggest the use of a small and sufficient amount of allyl thiocyanate as a chemical sensitizing agent but do not specify the amount as those in claims 15 and 16. However, it is conventional and routinely done in the art to do some works to obtain a workable or optimum amount or result of known chemical ingredient and its functional property.

Pollet et al disclose, teach and suggest that best result could be a small amount of allyl thiocyanate chemically sensitizing agent being close to and depositing on silver halide grains for fast development to one having ordinary skill in the art. The claimed language with respect to “is in a solid particle form dispersion” in claim 20 has been considered as an alternative of choice of a physical form and property in the art. There is no evidence of an unusual or unexpected result for a patentability of the alternative of choice of the physical form and property. It would like to see a result that (1) patentees’ a small amount of allyl thiocyanate chemically sensitizing agent being close to and depositing on silver halide grain would cause an adverse or deleterious result and (2) small amount of the compound in a solid particle dispersion would sufficient provide an unusual or unexpected result over the applied reference for a patentability of the claims.

Pollet et al do not specify the use of a sulfinat-Containing compound in claim 17-19. Lok at col.8:26 to 9:3 is cited to show the known use of the sulfinat-Containing compound to obtain stable photographic material having silver chloride at col.1:7 and 10:6-17.

Since the above references are all related to silver halide color photographic materials, it would have been obvious to one having ordinary skill in the art at the

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time the invention was made to use or cite the suggested sulfinate containing compound for a reasonable expectation of obtaining a stable photographic material as suggested in Lok.

VII. Claims 1-2, 4-6, 11-12 and 15-16 with respect to the applied species are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (4,468,454).

Brown discloses and teaches a silver halide photographic material comprising a support having thereon an silver chloride emulsion layer a small amount of p-nitrobenzyl thiocyanate being read within the general formula I as claimed. Please see the whole disclosure of the applied reference, especially col.2:6-8, 45-46 and 51 to 3:8. The language “emulsion layer being...thiocyanato compound...PUG-S” or the like is and has been considered as functional property of the materials. It has reasonable to believed that the functional property is inherent for the same compounds as broadly disclosed and claimed in the general formula I. The law requires that applicants must show or provide a convincing evidence to the contrary in accordance to the authority stated in *In re Schreiber*, 44 USPQ2d 1429. Since Brown reasonably discloses and teaches the embodiments in the claims, the above claims are found to be anticipated by Brown.

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VIII. In an alternative to the anticipation in paragraph "VII" above, claims 1-2, 4-6, 11-12, 15-16 and 20 with respect to the applied species are rejected under 35 U.S.C. 103(a) as being obvious by Brown.

Brown discloses, teaches and suggests a silver halide photographic material comprising a support having thereon an silver chloride emulsion layer a small amount of p-nitrobenzyl thiocyanate being read within the general formula I as claimed. Please see the whole disclosure of the applied reference, especially col.2:6-8, 45-46 and 51 to 3:8. The language "emulsion layer being...thiocyanato compound...PUG-S" or the like is and has been considered as functional property of the materials. It has reasonable to believed that the functional property is inherent for the same compounds as broadly disclosed and claimed in the general formula I. The law requires that applicants must show or provide a convincing evidence to the contrary in accordance to the authority stated in *In re Schreiber*, 44 USPQ2d 1429. For the teachings and suggestions not being in any example, it is alternatively and reasonably found to be rendered prima facie obvious by Brown.

In further remote teachings and suggestions, Brown discloses, teaches and suggests that best result could be a small amount of p-nitrobenzyl thiocyanate antifogging agent being close to and depositing on silver halide grains for fast development to one having ordinary skill in the art. The claimed language with

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respect to “is in a solid particle form dispersion” in claim 20 has been considered as an alternative of choice of a physical form and property in the art. There is no evidence of an unusual or unexpected result for a patentability of the alternative of choice of the physical form and property. It would like to see a result that (1) patentees’ a small amount of p-nitrobenzyl thiocyanate antifogging agent being close to and depositing on silver halide grain would cause an adverse or deleterious result and (2) small amount of the compound in a solid particle dispersion would sufficient provide an unusual or unexpected result over the applied reference for a patentability of the claims.

Since Brown reasonably discloses, teaches and suggests the effective and/or best modes of the embodiments to provide the effective and best photographic results to one having ordinary skill in the art in the claims, any obvious variant to one having ordinary skill in the art at the time the invention was made without a showing of an unusual or unexpected to sufficiently support a patentability is reasonably found to be rendered prima facie obvious by Brown.

XI. Claims 1-2, 4-6, 11-12 and 15-20 with respect to the applied species are rejected under 35 U.S.C. 103(a) as being obvious by Brown considered in view Lok (5,914,226).

Brown discloses, teaches and suggests a silver halide photographic material comprising a support having thereon an silver chloride emulsion layer a small amount of p-nitrobenzyl thiocyanate being read within the general formula I as claimed. Please see the whole disclosure of the applied reference, especially col.2:6-8, 45-46 and 51 to 3:8. The language "emulsion layer being...thiocyanato compound...PUG-S" or the like is and has been considered as functional property of the materials. It has reasonable to believed that the functional property is inherent for the same compounds as broadly disclosed and claimed in the general formula I. The law requires that applicants must show or provide a convincing evidence to the contrary in accordance to the authority stated in *In re Schreiber*, 44 USPQ2d 1429.

Brown discloses, teaches and suggests that best result could be a small amount of p-nitrobenzyl thiocyanate antifogging agent being close to and depositing on silver halide grains for fast development to one having ordinary skill in the art. The claimed language with respect to "is in a solid particle form dispersion" in claim 20 has been considered as an alternative of choice of a physical form and property in the art. There is no evidence of an unusual or unexpected result for a patentability of the alternative of choice of the physical form and property. It would like to see a result that (1) patentees' a small amount

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of p-nitrobenzyl thiocyanate antifogging agent being close to and depositing on silver halide grain would cause an adverse or deleterious result and (2) small amount of the compound in a solid particle dispersion would sufficient provide an unusual or unexpected result over the applied reference for a patentability of the claims.

Brown does not specify the use of a sulfinate-containing compound in claim 17-19. Lok at col.8:26 to 9:3 is cited to show the known use of the sulfinate containing compound to obtain stable photographic material having silver chloride at col.1:7 and 10:6-17.

Since the above references are all related to silver halide photographic materials, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use or cite the suggested sulfinate containing compound for a reasonable expectation of obtaining a stable photographic material as suggested in Lok.

X. Claims 1, 4-9 and 13-16 with respect to the applied species are rejected under 35 U.S.C. 102(b) as being anticipated by Adachi et al (4,115,122).

Adachi et al disclose and teach a silver halide photographic material comprising a support having thereon an silver chloride emulsion layer a small

amount of 3-(3-butynyl)benzothiazolium thiocyanate being read within the general formula I as claimed. Please see the whole disclosure of the applied reference, especially col.2:43-54, 6:32, 7:51 to 8:2. The language “emulsion layer being...thiocyanato compound...PUG-S” or the like is and has been considered as functional property of the materials. It has reasonable to believed that the functional property is inherent for the same compounds as broadly disclosed and claimed in the general formula I. The law requires that applicants must show or provide a convincing evidence to the contrary in accordance to the authority stated in *In re Schreiber*, 44 USPQ2d 1429. Since Adachi et al reasonably disclose and teach the embodiments in the claims, the above claims are found to be anticipated by Adachi et al.

XI. In an alternative to the anticipation in paragraph “X” above, claims 1, 4-9, 13-16 and 20 with respect to the applied species are rejected under 35 U.S.C. 103(a) as being obvious by Adachi et al.

Adachi et al disclose and teach a silver halide photographic material comprising a support having thereon an silver chloride emulsion layer a small amount of 3-(3-butynyl)benzothiazolium thiocyanate being read within the general formula I as claimed. Please see the whole disclosure of the applied reference,

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especially col.2:43-54, 6:32, 7:51 to 8:2. The language “emulsion layer being...thiocyanato compound...PUG-S” or the like is and has been considered as functional property of the materials. It has reasonable to believed that the functional property is inherent for the same compounds as broadly disclosed and claimed in the general formula I. The law requires that applicants must show or provide a convincing evidence to the contrary in accordance to the authority stated in *In re Schreiber*, 44 USPQ2d 1429. For the teachings and suggestions not being in any example, it is alternatively and reasonably found to be rendered *prima facie* obvious by Adachi et al.

In further remote teachings and suggestions, Brown discloses, teaches and suggests that a small and sufficient amount of 3-(3-butynyl)benzothiazolium thiocyanate fogging agent in a direct positive photographic material for “a sufficient maximum density” image on col.7:63. The claimed language with respect to “is in a solid particle form dispersion” in claim 20 has been considered as an alternative of choice of a physical form and property in the art. There is no evidence of an unusual or unexpected result for a patentability of the alternative of choice of the physical form and property. It would like to see a result that any (as broadly claimed) or small amount of the compound in a solid particle dispersion would sufficient provide an unusual or unexpected result over those of “a sufficient

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maximum density” images on col.7:63 in applied reference for a patentability of the claims.

Since Adachi et al reasonably disclose, teach and suggest a small and sufficient amount of 3-(3-butynyl)benzothiazolium thiocyanate fogging agent in a direct positive photographic material for “a sufficient maximum density” image on col.7:63, any obvious variant to one having ordinary skill in the art at the time the invention was made without a showing of an unusual or unexpected to sufficiently support a patentability is reasonably found to be rendered prima facie obvious by Brown.

XII. Claims 1, 4-9 and 13-20 with respect to the applied species are rejected under 35 U.S.C. 103(a) as being obvious by Adachi considered in view Lok (5,914,226) and English translation of Renner et al (DE 37 30 557).

Adachi et al disclose and teach a silver halide photographic material comprising a support having thereon an silver chloride emulsion layer a small amount of 3-(3-butynyl)benzothiazolium thiocyanate being read within the general formula I as claimed. Please see the whole disclosure of the applied reference, especially col.2:43-54, 6:32, 7:51 to 8:2. The language “emulsion layer being...thiocyanato compound...PUG-S” or the like is and has been considered as

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functional property of the materials. It has reasonable to believed that the functional property is inherent for the same compounds as broadly disclosed and claimed in the general formula I. The law requires that applicants must show or provide a convincing evidence to the contrary in accordance to the authority stated in *In re Schreiber*, 44 USPQ2d 1429.

Adachi et al do not specify the use of a sulfinate-containing compound in claim 17-19. Lok at col.8:26 to 9:3 is cited to show the known use of the sulfinate containing compound to obtain stable photographic material having silver chloride at col.1:7 and 10:6-17.

*Brown discloses, teaches and suggests that a small and sufficient amount of 3-(3-butynyl)benzothiazolium thiocyanate fogging agent in a direct positive photographic material for “a sufficient maximum density” image on col.7:63. The claimed language with respect to “is in a solid particle form dispersion” in claim 20 has been considered as an alternative of choice of a physical form and property in the art. There is no evidence of an unusual or unexpected result for a patentability of the alternative of choice of the physical form and property. It would like to see a result that any (as broadly claimed) or small amount of the compound in a solid particle dispersion would sufficient provide an unusual or

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unexpected result over those of “a sufficient maximum density” images on col.7:63 in applied reference for a patentability of the claims.

** In an alternative to paragraph (*) above, Adachi et al do not specify a solid dispersion form of a compound. However, it is known in the art at the time the invention was made to make, obtain and use a compound in a solid particle dispersion form. Evidence can be seen in at least Renner et al in the English language translation at page 20, lines 11-17 and page 23, lines 9-12 and 18-20 to show the known teaching and suggestion of making, obtaining and using a photographically useful compound in a solid particle dispersion form for an alternative to any other form such as solution. There is no evidence on and for the record of an unusual or unexpected result for a patentability of selecting a solid particle dispersion form. In the absence of convincing evidence of an unusual or unexpected result for a patentability, the claimed alternative form of “a solid particle dispersion” form is shown to be known to one having ordinary skill in the art at the time the invention was made and is found to be rendered prima-facie obvious to one having ordinary skill in the art. There is no suggestion of a use of any coupler compound in Renner et al.

Since the above references are all related to silver halide photographic materials, it would have been obvious to one having ordinary skill in the art at the

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time the invention was made to use or cite the suggested sulfinate containing compound for a reasonable expectation of obtaining a stable photographic material as suggested in Lok and an alternative form of solid particle dispersion form as disclosed, taught, suggested and obtained by Renner et al in the absence of convincing evidence of an unusual or unexpected result for a patentability.

XIII. Claims 1-2 and 11-12 with respect to the applied species are rejected under 35 U.S.C. 102(b) as being anticipated by Iwano (JP 45-2871 with its English language translation).

Iwano discloses and teaches a silver halide photographic material comprising a support having thereon an silver chloride emulsion layer a small amount of 3,3',9-triethyl-5,5'-diphenyloxacarbocyanine thiocyanate being read within the general formula I as claimed. Please see the whole disclosure of the applied reference, especially in the English language translation on page 1 lines 10-12 from the bottom and page 7, lines 9 and (6 from the bottom). The language "emulsion layer being...thiocyanato compound...PUG-S" or the like is and has been considered as functional property of the materials. It has reasonable to believed that the functional property is inherent for the same compounds as broadly disclosed and claimed in the general formula I. The law requires that

applicants must show or provide a convincing evidence to the contrary in accordance to the authority stated in *In re Schreiber*, 44 USPQ2d 1429. Since Iwano reasonably discloses and teaches the embodiments in the claims, the above claims are found to be anticipated by Iwano.

XIV. Claims 15-20 with respect to the applied species are rejected under 35 U.S.C. 103(a) as being obvious by Iwano (JP 45-2871 with its English language translation) considered in view Lok (5,914,226) and English translation of Renner et al (DE 37 30 557).

Iwano discloses and teaches a silver halide photographic material comprising a support having thereon an silver chloride emulsion layer a small amount of 3,3',9-triethyl-5,5'-diphenyloxacarbocyanine thiocyanate being read within the general formula I as claimed. Please see the whole disclosure of the applied reference, especially in the English language translation on page 1 lines 10-12 from the bottom and page 7, lines 9 and (6 from the bottom). The language "emulsion layer being...thiocyanato compound...PUG-S" or the like is and has been considered as functional property of the materials. It has reasonable to believed that the functional property is inherent for the same compounds as broadly disclosed and claimed in the general formula I. The law requires that

applicants must show or provide a convincing evidence to the contrary in accordance to the authority stated in *In re Schreiber*, 44 USPQ2d 1429.

Iwano does not disclose, teach and suggest the use of a small 3,3',9-triethyl-5,5'-diphenyloxacarbocyanine thiocyanate as those in claims 15 and 16. However, it is conventional and routinely done in the art to do some works to obtain a workable or optimum amount or result of known chemical ingredient in a photographic material.

Iwano does not specify the use of a sulfinate-containing compound in claim 17-19. Look at col.8:26 to 9:3 is cited to show the known use of the sulfinate containing compound to obtain stable photographic material having silver chloride at col.1:7 and 10:6-17.

Iwano does not specify a solid dispersion form of a compound. However, it is known in the art at the time the invention was made to make, obtain and use a compound in a solid particle dispersion form. Evidence can be seen in at least Renner et al in the English language translation at page 20, lines 11-17 and page 23, lines 9-12 and 18-20 to show the known teaching and suggestion of making, obtaining and using a photographically useful compound in a solid particle dispersion form for an alternative to any other form such as solution. There is no evidence on and for the record of an unusual or unexpected result for a

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patentability of selecting a solid particle dispersion form. In the absence of convincing evidence of an unusual or unexpected result for a patentability, the claimed alternative form of "a solid particle dispersion" form is shown to be known to one having ordinary skill in the art at the time the invention was made and is found to be rendered prima-facie obvious to one having ordinary skill in the art. There is no suggestion of a use of any coupler compound in Renner et al.

Since the above references are all related to silver halide photographic materials, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use or cite the suggested sulfinate containing compound for a reasonable expectation of obtaining a stable photographic material as suggested in Lok and an alternative form of solid particle dispersion form as disclosed, taught, suggested and obtained by Renner et al in the absence of convincing evidence of an unusual or unexpected result for a patentability.

XV. Applicant's arguments filed 15 February 2006 have been fully considered.

In view of the Amendment and arguments, the rejections made in the Office action mailed on 13 October 2005 with Renner et al being applied as the primary references are withdrawn.

XVI. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

XVII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

The examiner can normally be reached from 6:30 AM to 4:30 PM on

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Monday through Thursday and about the same time of most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526.

Applicants may file a paper by (1) fax with a central facsimile receiving number 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoa V. Le
Primary Examiner
Art Unit 1752

HVL
02 March 2006

HOA VAN LE
PRIMARY EXAMINER

Hoa Van Le